IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND THREE

PRESENT

**THE HONOURABLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.15688 of 2003

Between:

T. Surya Prabha, W/o. late Nooka Raju, 40 years,
R/o. Nathavaram Village, Nathavaram Mandal, Visakhapatnam District.

**...PETITIONER**

AND

1. The Mandal Revenue Officer, Nathavaram Mandal, Visakhapatnam District.
2. The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, particularly a writ in the nature of Mandamus, declaring the action of the 1st respondent herein issuing the impugned proceedings Rc.No.1150/2002-A, dated 22.05.2003 as illegal, arbitrary and unconstitutional and further direct the respondents to assign the said land of AC. 0.03 cents in Sy.No.53 of Nathavaram Village, Nathavaram Mandal, Visakhapatnam District, to the petitioner on payment of market value.

**Counsel for the Petitioner: MR.K.V.SUBRAMANYA NARASU**

**Counsel for the Respondents: GP FOR ASSIGNMENT**

The Court made the following:

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**ORDER:**

The petitioner assailed the order of the Mandal Revenue Officer (MRO), dated 22.05.2003 whereby and whereunder the first respondent herein (MRO) cancelled the assignment of house patta granted in favour of the petitioner on 29.11.2002. Aggrieved by the same, the petitioner preferred an appeal before the second respondent and filed an application for stay. As no orders were passed, the present Writ Petition is filed. Though the interlocutory applications are listed, the Writ Petition is disposed of with the consent of the learned counsel for both the parties.

It is well settled that when a person avails statutory remedy or any alternative remedy, the Writ Petition is not ordinarily maintainable. Be that as it is, this Court had already passed interim orders. This Court directs the second respondent to pass appropriate orders on the appeal of the petitioner within a period of three weeks from the date of receipt of a copy of this order. There shall be *status quo* as on today, for a period of three weeks. It shall be open for the petitioner to obtain necessary orders from the second respondent in the pending appeal.

The Writ Petition, with the above observations, is disposed of.

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**(V.V.S.RAO, J)**

30th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Mandal Revenue Officer, Nathavaram Mandal, Visakhapatnam District.
2. The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.
3. Two CCs to G.P. for Assignment, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.